TRANSMITTAL OF APPEAL BRIEF (Large Entity)	Docket No. ITL.0521US

In Re Application Of: Murthi Nanja

AUG 0 2 2004

Application No. 09/778,565	Filing Date February 7, 2001	Examiner Isaac M. Woo	Customer No. 21906	Group Art Unit 2172	Confirmation No. 4410

Invention: Aggregating Web Data on Clients and Distributing the Aggregated Data to Wireless Handheld Devices

COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on **June 15, 2004.**

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☐   The Director has already been authorized to charge fees in this application to a Deposit Account.

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Dated: **July 28, 2004**

Signature

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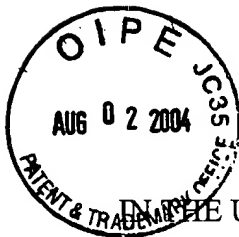
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	Murthi Nanja	§ Art Unit:	2172
		§	
Serial No.:	09/778,565	§ Examiner:	Isaac M. Woo
		§	
Filed:	February 7, 2001	§ Docket:	ITL.0521US (P10765)
		§	
For:	Aggregating Web Data on Clients and	§ Confirmation No.:	4410
	Distributing the Aggregated Data to	§	
	Wireless Handheld Devices	§ Customer No.:	21906

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P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Applicants respectfully appeal from the final rejection mailed March 15, 2004.

I. REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF THE CLAIMS

Claims 1-8, 12-19 and 23-28 have been finally rejected and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

All amendments are believed to have been entered.

V. SUMMARY OF THE INVENTION

The data aggregation and distribution system 100, shown in Figure 1, includes wireless units 101, processor-based system 103, Internet 104, and web servers 105. Buses 108 and 110 may be serial ports or wireless interfaces between the wireless units 101, and the system 103, respectively. Hypertext Transfer protocol (HTTP) 112 and 114 are the protocol interfaces between the system 103 and the web servers 105, respectively. In the illustrated embodiment, three sample web servers, 105a, b and c (i.e., weather, stock quote and news) are depicted, but the nature of the information from the web servers can be anything relevant to mobile users (e.g., product price quotes and product inventory level from suppliers). Specification, at page 3, line 22 through page 4, line 10.

Wireless interfaces 110, such as Bluetooth wireless interfaces, may be located between the wireless units 101 and the system 103. The Internet 104 couples the system 103 and the web servers 105. The Bluetooth wireless interface is a short-range (within 10 meters) radio communication technology developed specifically as a cable replacement solution for desktop systems with standard peripherals such as keyboards, mice, printers, and digital cameras. In addition, Bluetooth has capabilities to set up point-to-point or point-to-multipoint ad hoc networks among many Bluetooth devices (e.g., desktop systems and PDAs). Specification, at page 4, line 11 through line 21.

Each wireless unit 101 has cellular wireless connectivity and a HTML web browser. The system 103, acting as an intermediary or as an "information hub" for the wireless unit 101, provides aggregated web information to each wireless unit 101. The system 103 may be any

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processor-based system including a desktop computer or processor-based appliance, as two examples. The system 103 may include a processor 113 and storage 115 coupled to the processor 113. The web servers 105 act as information sources for the system 103. Specification, at page 4, line 22 through page 5, line 11.

As shown in Figure 2, a web data aggregator application 207, running on the system 103, performs integration or aggregation of various types of information relevant to each unit 101 user. The web aggregator application 207 is responsible for interacting with a web server 105, extracting desired information such as weather, stock quotes and news, and then aggregating this information in a manner that is meaningful to users of the wireless units 101. The applications 207-209 and the content 210 may be stored in the storage 115. Specification, at page 5, line 12 through line 21.

The web server 105 processes the HTTP requests 112/114 received from the system 103 using CGI scripts 211 and then sends a response as a HTTP response 114/112 to the system 103. The CGI scripts 211 access the target web content 213 directly or through middleware software component 212 and generate data. As an example, stock portfolio data gathered on the web server 105 in XML format may include information such as ticker, time, last price, open price, day's high, day's low, volume and average volume. Specification, at page 5, line 22 through page 6, line 6.

The web data aggregator application 207 gathers data (such as a stock portfolio) for various kinds of information in one embodiment. Once the web data aggregator application 207 completes the task of gathering data from various web servers 105, in one embodiment, it may process the data using one or more XML Stylesheet Languages (XSL) to generate the aggregated content 210. Specification, at page 6, line 7 through line 23.

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A data synchronizer application 208 running on the system 103 transfers the aggregated content 210 to a wireless unit 101. Data synchronization can be triggered by connecting a wireless unit 101 to the system 103 via interfaces 108/110. Alternatively, synchronization may be triggered by explicitly invoking a special command in the data synchronizer application 208, if the wireless handheld unit 101 is already connected to the system 103. By default, the data synchronizer application 208 transfers the aggregated content 210 to the wireless handheld unit 101 whenever there is a new information in the aggregated content 210. The user may configure the data synchronizer application 208 to modify the default data synchronization behavior. Specification, at page 6, line 24 through page 7, line 11.

A data aggregator configuration utility 209 running on the system 103 changes the data aggregator application's 207 behavior. By default, the data aggregator application 207 may attempt to gather web data at a predetermined time of the day set by the user. However, this can be changed by the data aggregator configuration utility 209, under the direct control of the user, to gather data whenever the system 103 is in idle state or based on some other user-specified criteria. Specification, at page 7, line 12 through line 20.

The data aggregator application 207, data aggregator configuration utility 209, and the data synchronizer application 208 may be combined into a single executable application on the system 103. In an embodiment in which the web data aggregator application 207 also includes the functions of the application 208 and utility 209, the application 207 receives and stores user web data requests as indicated in block 402 of Figure 4. Upon the occurrence of an appropriate event, such as a period of low activity on the system 103, as indicated in diamond 404, the requested web data is automatically accessed over the Internet as indicated in block 406. The

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accessed web data is then stored as indicated in block 408. Specification, at page 7, line 21 through page 8, line 7.

Upon the occurrence of a predetermined event, such as a predetermined time or a user request from a wireless unit 101, as indicated in block 410, the accumulated web data is transferred from the system 103 to the unit 101 as indicated in block 412. Specification, at page 8, line 8 through line 12.

Some embodiments may have advantages over aggregating data on the web server 105, including reducing the wireless unit 101 owner's Internet connection time charges as information is aggregated and distributed using his/her system 103, providing opportunities for customizing aggregated data based on the wireless unit 101 owner's preferences, and providing a default view of the aggregated data to the unit 101 owner, if required. Aggregation of data from various web sites on a system 103, for example, may provide a unified view of information to the unit 101 owner and thereby increase his/her productivity. A wireless unit 101 owner may determine when to aggregate and distribute relevant web data on his/her system 103. Specification, at page 11, line 11 through line 23.

VI. ISSUES

A.   Is Claim 1 Obvious Over Khan in View of Ficco and Clark?

VII. GROUPING OF THE CLAIMS

All of the claims may be grouped with claim 1.

VIII. ARGUMENT

A. Is Claim 1 Obvious Over Khan in View of Ficco and Clark?

The method of claim 1 calls for aggregating information from two or more web sites on a client and automatically transferring information to a wireless device at the predetermined time from two or more web sites in a single connection session.

The Examiner admits that neither the Khan reference nor the Ficco reference explicitly disclose automatically transferring information to a wireless device at a predetermined time from two or more websites in a single connection session. The Examiner cites column 4, lines 23-62, in the Clark reference as teaching this limitation.

The Examiner claims that Clark teaches sending image and other data in what Clark calls a single signal connection. See Clark, column 4, lines 59-62. The Examiner then suggests that it would be obvious to combine Clark with Khan and Ficco "because data transferring in a single connection saves data transmitting time and cost in a wireless communication system." See final office action on page 4.

The problem is that the rationale to combine is concocted entirely by the Examiner without any basis within the references themselves. Clark teaches nothing about a wireless system or that a single connection would "save data transferring time and cost" in a wireless communication system. Certainly, Ficco and Khan teach no such thing since even the Examiner concedes that he had to get this from Clark.

Thus, the reliance on Clark, which is simply a wire splicing patent to teach the advantages of aggregating information from different websites and transferring that data in a single connection is no where suggested in the cited art.

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The rationale to combine the references must come from the prior art, not from the Examiner with the benefit of hindsight. Absent a rationale from within the art, a *prima facie* rejection is not made out.
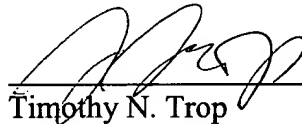
Therefore, the rejection of claim 1 should be reversed.

IX. CONCLUSION

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: July 28, 2004

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APPENDIX OF CLAIMS

1. A method comprising:

    aggregating information from two or more web sites on a client;

    detecting the occurrence of a predetermined time; and

    automatically transferring information to a wireless device at the predetermined

time, from said two or more web sites in a single connection session.

2. The method of claim 1 including aggregating the information from two or more

web sites on a processor-based system connectable to the wireless device.

3. The method of claim 1 including receiving user requests for information from

web sites and storing said information received from web sites.

4. The method of claim 2 including establishing a telephone connection and during

that connection, accessing the requested information from at least one web site.

5. The method claim 4 including accessing information from at least two web sites

using a single connection.

6. The method of claim 1 including aggregating said information in response to the

detection of an event.

7.   The method of claim 6 including detecting a period of low activity on a processor-based system.

8.   The method of claim 6 including detecting a predetermined time.

12.   An article comprising a medium storing instructions that, if executed, enable a processor-based system to:

aggregate information from two or more web sites on a client;

detect the occurrence of a predetermined time; and

automatically transfer information to a wireless device at the predetermined time, from said two or more web sites in a single connection session.

13.   The article of claim 12 further storing instructions that enable the processor-based system to aggregate the information from two or more web sites for transmission to the wireless device.

14.   The article of claim 12 further storing instructions that enable the processor-based system to receive user requests for information from web sites and store the information received from web sites.

15.   The article of claim 13 further storing instructions that enable the processor-based system to establish a telephone connection and, during that connection, access the requested information from at least one web site.

16.   The article of claim 15 further storing instructions that enable the processor-based system to access data from at least two web sites using a single connection.

17.   The article of claim 12 further storing instructions that enable the processor-based system to aggregate the information in response to the detection of an event.

18.   The article of claim 17 further storing instructions that enable the processor-based system to detect a period of low activity on a processor-based system.

19.   The article of claim 17 further storing instructions that enable the processor-based system to detect a predetermined time.

23.   A system comprising:

a processor; and

a storage coupled to said processor, the storage storing instructions that enable the processor to aggregate information from two or more web sites on a client, detect the occurrence of a predetermined time and automatically transfer web information to a wireless device at the predetermined time, from said two or more web sites in a single connection session.

24.   The system of claim 23 including a wireless connection connectable to the wireless device.

25.   The system of claim 23 including an Internet connection.